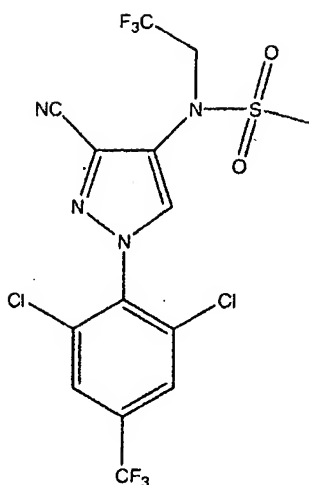


REMARKS

Applicant respectfully requests entry of the above amendments. Claims 1-16 are pending in this application. Claims 1-3, 5, 7-9, 11, and 16 are currently amended, primarily to ensure proper Markush claim language. Claims 4, 6, and 10 are original. Claims 12-15 were canceled. Claim 17 was withdrawn per the required election. Chemical formula (I) was amended in claim 1 and 16 to appropriately define the R substituents (e.g., superscript the variables 1-5, (ex. R²)). No new matter was included in this amendment. Applicant has amended the claims without waiver or prejudice, to comply with the restriction requirement.

Restriction/Election Requirement.

The Office Action required a restriction of the instant application to one of two Groups as set forth in the Office Action. The Groups are not reproduced herein. Applicant hereby elects Group I, claims 1-11, and 16, drawn to products of Formula (I). The Examiner has further required the election of a single species, e.g., a single compound. Applicant traverses the requirement to elect a single compound as other claimed compounds are derivatives of the elected compound and are not mutually exclusive. However, to fulfill the election requirement Applicant hereby elects the compound: N-[3-cyano-1-(2,6-dichloro-4-trifluoromethyl-phenyl)-1H-pyrazol-4-yl]-N-(2,2,2-trifluoroethyl)-methanesulfonamide. The compound was specifically disclosed in claim 11 and the chemical structure is shown directly below.



The compound is generically claimed in claim 1 when R¹ is phenyl which bears a chlorine atom at both the 2- and 6-positions and trifluoromethyl at the 4-position (2,6-dichloro-4-trifluoromethyl); R² is cyano; R³ is C₁₋₆alkyl (methyl); R⁴ is C₁₋₆haloalkyl (2,2,2-trifluoroethyl); and R⁵ is hydrogen. The election embraces at least claims 1-9, 11, and 16.

Applicant disagrees with Examiner that undue searching would be required as the compounds of the currently amended claims of the instant invention comprise a specific genus of compounds, herein 1-phenyl-4-sulfonamide pyrazolyl derivatives. Therefore, Applicant respectfully traverses the election requirement. According to 37 CFR §1.146, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species (not compound), provided that all claims to each additional species are written in dependent form or otherwise include all the limitations on an allowed generic claim. Accordingly, Applicant will request rejoinder of Claim 17 should Claim 1 be found allowable, provided that the claims depend from or otherwise recite all the limitations of the allowable product claim.

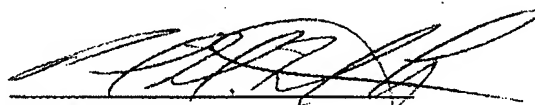
Having made this election, Applicant expressly reserves the right to file one or more divisional applications on the subject matter of the unelected matter.

Conclusion

Applicant has timely responded to the restriction and election requirement by selecting Group 1 and a single compound as required by the Examiner. Further, Applicant has submitted a preliminary amendment and requests said preliminary amendment be entered for substantive examination. Applicant believes this application to be in condition for allowance, therefore, an early and favorable action is respectfully requested.

Respectfully submitted,

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